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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,590	09/15/2003	Shunsuke Nagatani	117146	8069
25944 7590 02/20/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER SMITH, JEFFREY S	
			ART UNIT 2624	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/661,590

Applicant(s)

NAGATANI ET AL.

Examiner

Jeffrey S. Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Requirement for Information***

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please state whether any search of prior art was performed. If a search was performed, please state the citation for each prior art collection searched. If any art retrieved from the search was considered material to demonstrating the knowledge of a person having ordinary skill in the art to the disclosed image retrieval system, please provide the citation for each piece of art considered and a copy of the art.

For example, if a Japanese search report was prepared by the Japanese Patent Office, please provide a copy in your reply; and if the Japanese Patent Office has issued a rejection in the corresponding Japanese Application, please provide a copy of the rejection in your reply.

Please state whether any of the assignee's pending domestic or foreign Applications or Patents disclose or claim any feature of the image retrieval system. If so, please disclose these applications and patents, along with the references cited in each of these documents. For example, U.S. Application Number 10/625,700 discloses a method for creating the image retrieval system and contains a list of references cited by the examiner that includes a reference used to reject claims for the image retrieval system. This information is material to patentability.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following claimed elements must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The extraction unit of claim 1.

The size changing unit of claim 2.

The steps of claims 4-8.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The disclosure is objected to because of the following informalities:

Paragraph 51 makes reference to element 30 in a discussion of figure 3 that is continuing from paragraph 46, however, element 30 is not shown in figure 3.

Paragraph 64 makes reference to figure 10, although the application does not contain figure 10.

Paragraph 65 makes reference to elements 78 and 79 in figure 9, however, these elements are not shown in figure 9.

Paragraph 66 states that certain elements are shown in figures 6 to 9, however, these elements are missing from figures 6 to 9.

Paragraph 68 makes reference to figure 11, although the application does not contain figure 11.

Paragraph 72 refers to element 60, but figure 11A shows element 60(3).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,988,244 issued to Honda et al. ("Honda").

For claim 1, Honda discloses an image retrieval system that retrieves static image data associated with video data, comprising: an input unit that accepts an input keyword (see figure 1 and col. 5 lines 44-61 "The database searching unit 72 performs processes of forming a moving picture retrieval request to the database server 6 in accordance with a request from the terminal device 4"); an extraction unit that extracts a

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character string contained in static image data (see col. 7, lines 54-60 "The searching unit 92 searches the database 91 on the basis of a given keyword in response to a request from the database searching unit 72"); and a retrieval unit that matches the extracted character string with the input keyword to retrieve relevant static image data (see col. 8 lines 19-26, "in the diagram, 117 moving pictures are retrieved for the keyword 'Okazaki'. Among them, the VD (static image data) index picture groups 107 and 108 ... are displayed. One VD index picture group corresponds to the moving pictures of one title").

For claim 2, Honda discloses a display unit that displays the retrieved static image data as a list of images (see figure 4, index display area 102); and a size changing unit that changes an image size of the static image data to be displayed on the display unit, the image size being changed according to a predetermined criterion (see static image data (indicator bars 107a and 108a) that change in size based on the length of the corresponding moving pictures).

For claim 3, Honda discloses a display unit that displays the retrieved static image data as a static image (see index display area 102 and still picture display area 103); and a video display unit that, according to user's operation for selecting the displayed static image, reproduces and displays video data as an image from a reproduction time position with which the static image data is associated (see moving picture display area 104).

For claim 6, Honda discloses a computer program stored in a computer readable medium (see figure 3) that performs the steps of accepting an input keyword (col. 5

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lines 44-61); extracting a character string contained in static image data (col. 7 lines 54-60); and matching the extracted character string with the input keyword to retrieve relevant static image data (col. 8 lines 19-26).

For claim 7, Honda discloses displaying the retrieved static image data as a list of images (display area 102); and changing an image size of the static image data to be displayed, the image size being changed according to a predetermined criterion (static image data 107a and 108a).

For claim 8, Honda discloses displaying the retrieved static image data as a static image (display area 103); and according to a user's operation for selecting the displayed static image, reproducing and displaying video data as an image from a reproduction time position with which the static image data is associated (display area 104).

6. Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,249,281 issued to Chen et al. ("Chen").

For claim 4, Chen discloses extracting a character string contained in static image data (see figure 8, the static image data that is displayed includes a character string contained in the static image data, and the character string is extracted during a keyword search); and matching an input keyword with the extracted character string to retrieve relevant static image data (see figure 8 the keyword is input to the keyword search field 820 and static image data with extracted character strings that match the keyword are retrieved).



For claim 5, Chen discloses displaying the retrieved static image data as a static image (see figure 8 the retrieved static image data is displayed as a static image); and according to user's operation for selecting the displayed static image, reproducing and displaying video data as an image from a reproduction time position with which the static image data is associated (the video data is displayed at a given reproduction time position associated with the static image data when the user selects the static image, such as the beginning of the presentation for example. See also column 5 line 57 through column 6 line 32).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,751,776 issued to Gong discloses a method of extracting keywords from closed captioned broadcasts for keyword image retrieval.

U.S. Patent Number 5,521,841 issued to Arman et al. shows in figure 3 static images that have their image size changed according to a predetermined criterion.

U.S. Patent Number 7,174,055 issued to Hori et al. discloses in figures 19-21 static images that have their image size changed according to a predetermined criterion.

U.S. Patent Number 6,463,444 issued to Jain et al. discloses a method of extracting features such as text from video images.

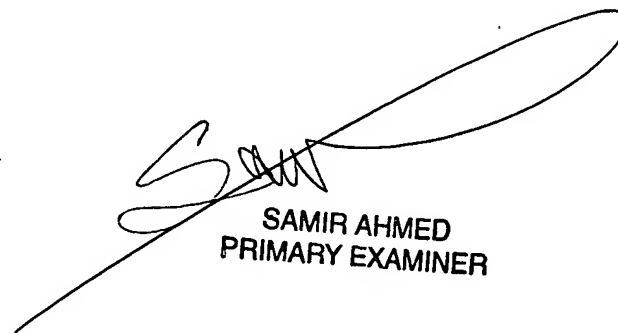
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey S. Smith whose telephone number is 571 270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS

JSS  
February 13, 2007



SAMIR AHMED  
PRIMARY EXAMINER